REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claim 1 remains in the application. Claim 1 has been amended.

More specifically, the claim has been amended in light of the Examiner's objection appearing on page 2 of the detailed action and, further, to even better emphasize the "preliminary dewatering" feature. We will return to this issue in the following discussion of the prior art.

Support for the changes to the claim may be found in the original claim 1 itself. The "preliminary dewatering" had been recited at the end of claim 1. Further, the "difference value" is found in the formula appearing in the drawing figure.

We now turn to the art rejection, in which the claim has been rejected as being obvious over Payne, U.S. Patent No. 5,161,393, under 35 U.S.C. § 103. We respectfully traverse.

The Examiner indeed correctly recognized that the claimed invention and the older patent are based on the same physical properties and relationships. The requirement that applicant subjects his laundry to preliminary dewatering for the measurement, however, has not been acknowledged by the Examiner. With these measures, applicant avoids an undue influence which the dewatering of the laundry would have during the measurement.

To recognize and acknowledge the problem is a first step. The fact that it is an important element can be shown with reference to applicant's prior disclosure DE 44 31 846. All of the parameters in equation 2 of the prior disclosure (mu, mg) – see col. 2, line 55 – must be determined at a constant degree of dewatering. The parameter mu represents the mass of the laundry that is excentric (unbalanced loading) and the parameter mg represents the basic mass. Here, we also strive to determine mu and mg. Reference is had to the specification, which explains:

> [U]pon an increase in the rotary drum speed above the constant speed which is related to the characteristic value, water is additionally removed from the laundry which is still damp, whereby the effective loading of the drum is increasingly reduced with respect to the preceding torque measurement, with a constant rotary speed.

Specification, p. 2, lines 20-25.

The preliminary dewatering of the laundry is achieved in that the measurement starts out with a higher speed, which is then reduced, and the drum is subsequently accelerated through a steep ramp.

U.S. Patent No. 5,161,393 also utilizes the acceleration ramp to obtain therefrom various physical properties and relationships, such as the mass moment of inertia, torque, acceleration, and energy consumption (friction energy and potential energy). These are then used to acquire information concerning the loading of the drum. It is clear that, all else being the same, Payne suffers from the above-mentioned shortcoming that the laundry is subject to being dewatered during the measurement.

In claim terms, Payne does not show or suggest first driving the drum at a high speed and preliminarily dewatering the laundry, before the speed is reduced to a lower speed (during which some additional dewatering may occur), before the speed is ramped up for a further measurement.

In summary, neither Payne nor any other references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, patentable over the art. In view of the foregoing, reconsideration and the allowance of claim 1 is solicited.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

For Applicant(s)

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